

REMARKS

In the Office Action dated March 7, 2006, a typographical error was noted in the specification, which has been corrected.

Claims 1, 2, 4 and 7-12 were rejected under 35 U.S.C. §102(b) as being anticipated by O'Neil.

In response, each of independent claims 1 and 8 has been amended to make clear that it is the shape of the second longitudinal section that forces the connection element to interact with the actuator to produce the positive fit when the connection element is located in, and engages, the second longitudinal section, and it is the shape of the first longitudinal section that automatically releases this positive fit when the connection element is disposed in, and engages, the first longitudinal section.

Independent claims 1 and 8 are not anticipated by O'Neil, for several reasons.

The Examiner characterized the O'Neil reference as teaching a cartridge having a tank with a first longitudinal section 16 and a second longitudinal section 20. The Examiner also stated that the O'Neil reference discloses a connection element 43 and an actuator 14, with the actuator producing a positive fit when the connection element is in the second longitudinal section and automatically releasing this positive fit when the connection element is in the first longitudinal section. The Examiner did not identify what structure in the O'Neil reference the Examiner believes is capable of achieving such a releasable positive fit. In the O'Neil reference, reference numeral 43 does not refer to a structural component or element at all, but instead refers to the interior configuration of the piston 42. Even if this interior figuration could be considered to be some type of "connection element" it is clear that if the engagement between this (alleged) connection element 43 and the

actuator 14 were releasable, this would destroy the intended operation of the O'Neil device.

In the O'Neil device, the piston 42 is engaged with the distal end of the actuator 14 by a number of projections or ears 40, which fit into conforming recesses in the interior configuration 43. When the piston 42 is in both the longitudinal section 16 and the longitudinal section 22 of the cartridge 10, the actuator always remains engaged with the piston, and in fact this is essential to the intended operation of the O'Neil device, because the actuator 14 must always be capable of displacing the piston 42 either toward or away from the longitudinal section 22. If the actuator 14 were released from the piston 42 in the first longitudinal section 16, this would simply leave the piston 42 sitting by itself somewhere within the cartridge 10, which would serve no purpose.

It may be possible in the O'Neil structure to remove the piston 42 from the distal end of the actuator 14 when the actuator 14 and the piston 42 are *completely removed from* the cartridge 10, however, this does not conform to the original claim language and it does not conform to the amended claim language.

The Examiner cited the passage at column 2, lines 6-54 in the O'Neil reference in support of the Examiner's position that the O'Neil reference discloses such automatic release of the connection element, however, Applicant and his counsel are unable to find any language in that passage that provides any explicit statement on that point, or even a suggestion that such releasing would be desirable. As noted above, this passage reinforces Applicant's position that in the O'Neil reference it is essential for the actuator 14 and the piston 42 to remain in engagement at all times.

Moreover, although the portion of the cartridge 10 that the Examiner has referred to as the second longitudinal section does have a tapering shape, this shape has nothing whatsoever to do with the engagement of the actuator 14 with the piston 42.

The O'Neil reference, therefore, does not disclose all of the elements of claims 1 and 8, and therefore does not anticipate either of those claims. Claims 2, 4, 7 and 9-12 add further structure to the novel structure of claims 1 and 8, and therefore are not anticipated by O'Neil for the same reasons discussed above in connection with claims 1 and 8.

Moreover, with regard to claims 11 and 12, the Examiner stated the connection element has a spherically-shaped receptacle and a spherically-shaped free end. The Examiner stated this can be seen in Figure 2 of the O'Neil reference, however, that reference clearly indicates that the connection element has a conical shape. As the Examiner is aware, the Examiner imposed, and made final, the restriction requirement wherein the Examiner explicitly stated that the conical shape and the spherical shape are unrelated features among the species of the claimed invention that would require a separate search for each species. The Examiner obviously has not even conducted his search according to his own imposed species requirement, which is why the Applicant suggested, in Applicant's previous response, that this election of species requirement was not proper.

Since generic claims 1 and 8 are allowable over the art of record, withdrawal of the election of species requirement is proper and the same is respectfully

requested. All claims of the application are therefore submitted to be in condition for allowance.

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